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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,820	01/05/2004	Yasutoshi Inoue	SON-2897	1638

23353 7590 03/28/2007  
RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER
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MERCEDES, DISMERY E

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/750,820

Applicant(s)

INOUE ET AL.

Examiner

Dismery E. Mercedes

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 9 is/are rejected.
- 7) ☒ Claim(s) 2,6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This office action is in response to appeal brief filed 12/11/2006. Prosecution has been reopened.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,5,9 are rejected under 35 U.S.C. 102(a) as being anticipated by Magnusson (US 2003/0234998).

As to Claim 5, Magnusson discloses a magnetic recording and reproducing apparatus for performing azimuth recording on a tape form recording medium by a plurality of recording heads, said system comprising a head system having a plurality of said recording heads, and a tape feeding means for feeding said tape form recording medium, wherein said head system comprises a first recording head including a plurality of magnetic gaps having a first azimuth angle, and a second recording head including a plurality of magnetic gaps having a second azimuth angle different from said first azimuth angle; a positional relationship between said magnetic gaps is so determined that in relation to each magnetization pattern formed on said tape formed on said recording medium by said magnetic gaps of said first recording head, side edge portions in the formation direction of said patterns are overwritten by said magnetic gaps of said second recording head (see figs.4 and fig.11, and respective description thereof wherein the patterns are overlapped by said gaps and col.1, line 61-col.2, line 44), wherein said first and second recording heads are thin-film heads and a single head

Art Unit: 2627

chip constituting each said recording head is provided with a plurality of magnetic gaps and wherein said first and second recording heads are mounted on a rotary drum, and each of said magnetization patterns formed on said recording medium is an inclined track (see figs 5-6, 14-23 and respective descriptions thereof, and col.3, line 45 – col.4, line 9; col.4, lines 53-62).

As to Claim 9 is a method claim drawn to the apparatus of claim 5 and is rejected for similar reasons as set forth in the rejection of claim 5 above.

As to Claim 1 has limitations similar to those treated in the above rejection of claim 5, and are met by the reference as discussed above

#### ***Allowable Subject Matter***

3. Claims 2,6,10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note: Claim 2,6,10 are allowable over the prior art of record since the cited references failed to teach or suggest: *wherein said overwriting is conducted with such a positional relationship that a side edge portion of said magnetization pattern in the formation direction of said magnetization pattern formed by each said first magnetic gap of said first recording head coincides substantially with the center of each magnetization pattern formed by said second recording head.*

#### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Arai et al. (US 4,539,615); Magnusson (US 5,978,165); Yamada et al. (US 5,912,780); Kikuri (US 6,473,273); Sato et al. (US 5,349,478); Traximayr (US 6,246,830); Inaguma et al. (US 6,172,857).

Art Unit: 2627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dismery E. Mercedes whose telephone number is 571-272-7558. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DM



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SUPERVISORY PATENT EXAMINER